

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WESTERN DIVISION

MICHAEL GARNER,
Petitioner,
v.

Civil Action No. 05-30035-MAP

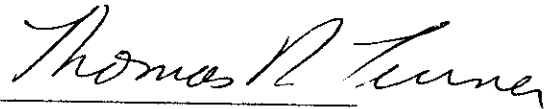
MICHAEL THOMPSON,
Respondent.

**ASSENTED-TO MOTION FOR SECOND ENLARGEMENT OF TIME
TO FILE MEMORANDUM OF LAW IN SUPPORT OF
PETITION FOR HABEAS CORPUS**

Now comes the petitioner and moves that this Honorable Court enlarge the time for him to file his memorandum of law in support of his petition to November 2, 2005. Petitioner's memorandum is currently due on October 31, 2005. As reasons for this request petitioner states:

1. It is now 3:30p.m. of Friday, October 28, 2005.
2. Because of the heavy rain and power failures over the past week counsel is behind in completing his memorandum of law.
3. Counsel anticipates that the memorandum will be completed prior to close of business on October 31, 2005.
4. Counsel spoke with the clerk's office today relative to electronic filing and learned that he is not set up to do same.
5. Wherefore it is now counsel's intention to mail his memorandum on Monday October 31, 2005.
6. Counsel has conferred with counsel for the respondent and the respondent assents to this motion.

Respectfully submitted,
The Petitioner
by his attorney,

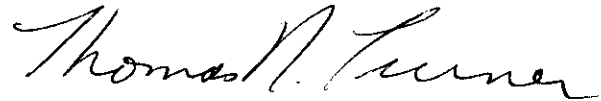


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Dated: October 28, 2005

CERTIFICATE OF SERVICE

I, Thomas N. Turner, attorney for the Petitioner in the above-entitled matter, hereby certify that I have sent by first class mail, postage prepaid, the above Motion to AAG David M. Lieber, Office of the Attorney General, One Ashburton Place, Boston, MA 02108, this 28th day of October 2005 .



Thomas N. Turner